

## **REMARKS**

The Non-Final Office Action dated December 23, 2009 has been received and reviewed. Prior to the present communication, claims 1, 2, 8-10, 12, 17, 20, and 30-32 were pending in the subject application. Claims 1, 2, 8-10, 12, 17, 20, and 30-32 remain pending. Applicants submit that no new matter has been added. Reconsideration of the subject application is respectfully requested in view of the following remarks.

### **Double Patenting**

Claims 1, 2, 8-10, 12, 17, 20, and 30-32 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over co-pending Application No. 2004/0126898 to Boone, et al. Applicants are submitting herewith a Terminal Disclaimer to overcome the non-statutory obviousness-type double patenting rejection of claims 1, 2, 8-10, 12, 17, 20, and 30-32.

Claims 1, 2, 8-10, 12, 17, 20, and 30-32 have been rejected on the ground of non-statutory obviousness-type double patenting over claims 1-14 of U.S. Patent No. 7,192,724 to Boone et al. in view of *The American Journal of Gastroenterology*, Vol. 95, No. 2, 359-367, 2000 to Nielsen et al. (hereinafter "Nielsen"), *Journal of Immunology*, 1995, Vol. 155, Issue 6, 3262-3267, 1995 to Targan et al. (hereinafter "Targan"), and PG – Pub 2001/0036639A1 to Fine (hereinafter "Fine"). Applicants are submitting herewith a terminal disclaimer to overcome the non-statutory obviousness-type double patenting rejection of claims 1, 2, 8-10, 12, 17, 20, and 30-32.

Claims 1, 2, 8-10, 12, 17, 20, and 30-32 have been rejected on the ground of non-statutory obviousness-type double patenting over claims 1-3 of U.S. Patent No. 7,560,240 to Boone et al. in view of Nielsen, Targan, and Fine. Applicants are submitting herewith a terminal

disclaimer to overcome the non-statutory obviousness-type double patenting rejection of claims

1, 2, 8-10, 12, 17, 20, and 30-32.

### **CONCLUSION**

For at least the reasons stated above, claims 1, 2, 8-10, 12, 17, 20, and 30-32 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or [asturgeon@shb.com](mailto:asturgeon@shb.com) (such communication via email is herein expressly granted) – to resolve the same.

Submitted herewith are Terminal Disclaimers to overcome the nonstatutory obviousness-type double patenting rejections, along with the appropriate fee. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required, or credit any overpayment, to Deposit Account No. 19-2112, referencing attorney docket number TLAB.100292.

Respectfully submitted,

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